

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CYMEYON HILL,

Plaintiff,

v.

HER, et al.,

Defendants.

No. 2:22-cv-01849 KJM KJN P

ORDER

Plaintiff, a civil detainee proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 8, 2022, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. The Magistrate Judge recommends denying the request to proceed in forma pauperis because Hill has approximately \$5,000 in a trust account. This court has declined to deny requests to proceed in forma pauperis based solely on the balance of a detained person's trust account. *See Bradford v. De Franco*, No. 21-2169, 2022 WL

1 17485948, at *2 (E.D. Cal. Dec. 7, 2022). The court therefore declines to adopt the findings and
2 recommendations and refers the matter to the assigned Magistrate Judge for further review under
3 the relevant legal standard. *See id.* at *1–2 (summarizing relevant authority).

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The court declines to adopt the findings and recommendations filed December 8, 2022;

6 and

7 2. The matter is referred to the assigned magistrate judge for further proceedings as
8 described above.

9 DATED: February 9, 2023.

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12 CHIEF UNITED STATES DISTRICT JUDGE
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